

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

HUGO ERNESTO MOLINA, §
§
Plaintiff, §
§
v. § Civil Action No. **3:17-CV-882-L-BT**
§
THE VOLUNTEERS OF AMERICA, §
et al., §
Defendants. §

ORDER

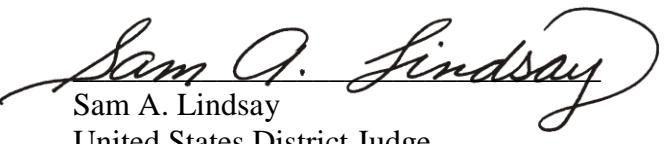
Before the court is Defendants' Motion to Dismiss for Failure to State a Claim (Doc. 19), filed January 31, 2018, and Plaintiff's Response (Doc. 21), filed February 2, 2018. This action was brought *pro se* by Hugo Ernesto Molina ("Plaintiff") on March 29, 2017, against the Volunteers of America, Angela King, Mary Quimby, Erica Smith, Duante Garcia, Jenean Bray, and Greg Basham ("Defendants").

On August 31, 2018, United States Magistrate Judge Rebecca Rutherford entered the Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report"), recommending that the court grant Defendants' Motion to Dismiss, dismiss without prejudice all of Plaintiff's claims and causes of action, and allow Plaintiff one final opportunity to amend his complaint. No objections were filed to the report. On September 12, 2018, before the court ruled on the Report, Plaintiff filed a second amended complaint (Doc. 23).

Having reviewed the record in this case, Report, and applicable law, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. The court has reviewed Plaintiff's Second Amended Complaint and has determined that it does not sufficiently address issues raised by the Defendants' Motion to Dismiss and those raised

in the Report. Accordingly, the court **grants** Defendants' Motion to Dismiss for failure to state a claim. As Plaintiff is *pro se*, the court will allow *one* more opportunity to amend within 30 days, which sets a deadline of **October 18, 2018**. If Plaintiff fails to amend and plead sufficient facts to state an ADA claim by October 18, 2018, this action may be dismissed with prejudice for failure to state a claim upon which relief can be granted, or dismissed pursuant to Federal Rules of Civil Procedure 41(b) for failure to prosecute or comply with a court order.

It is so ordered this 18th day of September, 2018.



Sam A. Lindsay
United States District Judge